

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of)	
the License to Conduct Gambling Activities of:)	NO. CR 2008-01954
)	
)	
Richard Mingo,)	NOTICE OF ADMINISTRATIVE
Lynnwood, Washington,)	CHARGES AND OPPORTUNITY
)	FOR AN ADJUDICATIVE
Licensee.)	PROCEEDING
)	

I.

The Washington State Gambling Commission issued Richard Mingo the following license:

Number 68-13505, authorizing him to work as a Card Room Class B Employee.

This license expires on February 21, 2009, and was issued subject to Mr. Mingo's compliance with state gambling laws and regulations.

II.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

III.

David Trujillo, Assistant Director of the Washington State Gambling Commission, charges the licensee with the following violation(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230.

1) On December 3, 2008, a Special Agent (agent) received correspondence from the Director of Operations of Red Dragon Casino, reporting that on November 30, 2008, Poker Supervisor Richard "Scott" Mingo failed to clock in at his appointed hour, took \$100 worth of chips to play poker for approximately an hour and a half, and did not pay for his chips until several hours later, doctoring the poker floor swap sheet¹ to cover his behavior.

2) On December 5, 2008, an agent went to Red Dragon and collected records and surveillance tapes, which show Mr. Mingo's behavior. The surveillance tapes, witness interviews and documents and illustrate the following:

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¹ A poker floor swap sheet is a report of the count of the dealer's bank at the end of their shift.

- The surveillance tapes show that at 12:29 on November 30, 2008, Mr. Mingo enters the front entrance of the casino in an orange sweatshirt. At 14:19, he is sitting at poker table number two. He takes a rack of chips, which equals \$100 and gives it to the player on his right. Mr. Mingo then takes a stack of chips equaling \$100 and keeps them for himself. At 14:20, he collects \$100 from the player to his right, and passes it to the dealer, Andaya Love.
- Employee witnesses at Red Dragon observed Mr. Mingo take chips without paying for them. Dealer Andaya reported that Mr. Mingo told her that his cash was in his car. She added that Mr. Mingo asked her to alter the poker floor swap sheet so that it did not reflect a shortage, but that she did not do so. She included the \$100 shortage, and instead, she reported the incident to a supervisor.
- Surveillance records show further that at 18:01 on November 30, 2008, Mr. Mingo, in his work attire takes his dealer token box to the cage cashier. At 18:03, he collects \$75 from his dealer tokens. At 18:04, he opens the poker cabinet and puts an unknown amount of money in it. When the swap sheet was examined thereafter, the totals had been changed so that the box was no longer short.
- Mr. Mingo received a NOVAS on July 21, 2008 for extending himself credit and causing other people to violate administrative rules. On that occasion, Mr. Mingo played with chips that he did not pay for, and asked the dealer to modify the swap sheet.

3) Mr. Mingo violated RCW 9.46.185 and RCW 9.46.190 and WAC 230-06-03 and is not qualified for a license under RCW 9.46.153(1) and (3). Therefore, grounds exist to revoke his license under RCW (1), (2), (8) and (10) and WAC 230-03-085(1) and (8.)

RCW 9.46.075 Denial, suspension, or revocation of license, permit states:

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

RCW 9.46.153 Applicants, licensees-Responsibilities, and duties-Waiver of liability - Investigation statement as privileged states:

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

RCW 9.46.190 Violations relating to fraud or deceit states:

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

WAC 230-06-035 (1) (3) Extension of Credit

No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized activity, or which enables a person to play in an authorized activity; the consideration required to participate in the activity shall be collected in full, by cash, check, or electronic point-of sale bank transfer, prior to participation.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit states:

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

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IV.

The charges specified above constitute grounds for revoking the gambling license held by Richard Mingo, to conduct authorized gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

V.

You have an opportunity to have a hearing on the alleged violations.

To have a hearing, you must fully complete the enclosed REQUEST FOR HEARING and return it to the Gambling Commission within **23 days** from the date this notice was mailed to you.

Under RCW 34.05.440, FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER REVOKING YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Assistant Director of the Washington State Gambling Commission, and in that capacity has executed this Notice.


David Trujillo, Assistant Director

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

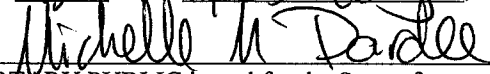
I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 19 day of February, 2009

Communications and Legal Department
Washington State Gambling Commission



SUBSCRIBED AND SWORN TO before me
this 18th day of February, 2009.


NOTARY PUBLIC in and for the State of

Washington residing at Lacey

My commission expires on June 15, 2009

